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Applicants: Reijo Pekkala § Group Art Unit: 2431
Application No 10/595,447 § § Examiner: Chai, Longbit
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§

Attorney Docket No: P18714-US1
Customer No.: 27045

For: Network And Node For Providing A Secure Transmission Of Mobile Application Part Messages

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APPEAL UNDER 35 U.S.C. §134

This Brief is submitted in connection with the decision of the Primary Examiner set forth in Final Official Action dated November 30, 2010, finally rejecting claims 1-10, which are all of the pending claims in this application.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. § 41.20(b)(2) that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1379.

Real Party in Interest

The real party in interest, by assignment, is: Telefonaktiebolaget LM Ericsson (publ)
SE-164 83
Stockholm, Sweden

Related Appeals and Interferences

None.

Status of Claims

Claims 1-10 are pending in the present application, each of which are finally rejected and form the basis for this Appeal. Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over 3GPP-TS-33-200 (3GPP TS 33.200 V5.0.0 Release 5 March 2002) in view of *Loganathan, et al.* (U.S. Patent No. 7,536,183). Claims 1-10, including all amendments to the claims, are attached in the Claims Appendix. The rejection of claims 1-10 is appealed.

Status of Amendments

The claims set out in the Claims Appendix include all entered amendments. No amendment has been filed subsequent to the final rejection.

Summary of Claimed Subject Matter

Claim Element	Specification Reference
1. A telecommunication network system having at least a gateway node, with a first domain comprising:	Throughout the specification, including page 6, line 20 through page 8, line 12; page 13, line 21 through page 14, line 11; Figures 1 and 2.
a mobile application part protocol instance connected to the gateway node configured to send and receive mobile application part messages in accordance with the 3rd Generation Partnership Project (3GPP) Technical Specification (TS) 33.200, the gateway node being connected to a second domain, wherein the gateway node is configured to receive a mobile application part message from the first domain, to convert the received mobile application part message obtaining a secured mobile application part message, and to send the obtained message to the second domain, the gateway node	Throughout the specification, including page 6, line 20 through page 8, line 12; page 13, line 21 through page 14, line 11; Figures 1 and 2.

<p>further being configured to receive a secured mobile application part message from the second domain, to extract an unsecured mobile application part message from the received secured mobile application part message and to send the extracted message to the first domain.</p>	
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Claim Element	Specification Reference
<p>6. A gateway node comprising an interface to a first domain of a telecommunication network for sending and receiving mobile application part messages in accordance with the 3rd Generation Partnership Project (3GPP) Technical Specification (TS) 33.200, comprising:</p>	<p>Throughout the specification, including page 6, line 20 through page 8, line 12; page 13, line 21 through page 14, line 11; Figures 1 and 2.</p>
<p>an interface to a second domain of the telecommunication network for sending and receiving secured mobile application part messages wherein the gateway node further comprises a conversion unit that is adapted to receive a mobile application part message via the interface to the first domain, to convert the received mobile application part message obtaining a secured mobile application part message, and to send the obtained message via the interface towards the second domain, the conversion unit further being configured to receive a secured mobile application part message via the interface to the second domain, to extract an unsecured mobile application part message from the received secured mobile application part message and to send the extracted message via the interface towards the first domain.</p>	<p>Throughout the specification, including page 6, line 20 through page 8, line 12; page 13, line 21 through page 14, line 11; Figures 1 and 2.</p>

The specification references listed above are provided solely to comply with the USPTO's current regulations regarding appeal briefs. The use of such references should not be interpreted to limit the scope of the claims to such references, nor to limit the scope of the claimed invention in any manner.

Grounds of Rejection to be Reviewed on Appeal

1.) Claims 1-10 stand rejected, under 35 U.S.C. § 103(a), as allegedly being unpatentable over 3GPP-TS-33-200 (3GPP TS 33.200 V5.0.0 Release 5 march 2002) in view of *Loganathan, et al.* (U.S. Patent No. 7,536,183).

Argument

1.) Claims 1-10 are patentable over the proposed *3GPP-Loganathan* combination.

As noted in the M.P.E.P., “[t]he key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” M.P.E.P. ch. 2142. The Federal Circuit has supported this position, stating that “rejections on obviousness cannot be sustained with mere conclusory statements.” *Id.* (citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1328, 1336 (Fed. Cir. 2006)). Because the Examiner has not clearly shown how each and every claim limitation is made obvious by the cited references, Applicant respectfully requests reconsideration and allowance of Claims 1-10.

a. The cited references fail to disclose, teach, or suggest “to receive a mobile application part message from the first domain, to convert the received mobile application part message obtaining a secured mobile application part message.”

For example, independent Claim 1 recites, in part, a gateway node being configured “to receive a mobile application part message from the first domain, to

convert the received mobile application part message obtaining a secured mobile application part message." Independent Claim 6 recites a substantially similar limitation. Appellant respectfully contends that the proposed 3GPP-*Loganathan* combination fails to disclose, teach, or suggest this limitation.

In rejecting these claims, the Examiner continues to rely on *Loganathan* disclosing this limitation. Specifically, the Examiner relies on a translator in *Loganathan* that can convert messages from TIA-41 MAP protocol to GSM MAP protocol, and vice versa. *Office Action*, pgs. 4-5. The cited portion merely states:

For example, the mobile application part protocol translator can be operative to receive a message in a TIA-41 mobile application part protocol and translate the message to a corresponding message in a GSM mobile application part protocol. Additionally, or alternatively, the mobile application part protocol translator can be operative to receive a message in a GSM mobile application part protocol and translate the message to a corresponding message in a TIA-41 mobile application protocol. *Loganathan*, col. 4, ll. 49-57.

However, Appellant respectfully contends that there is nothing in this cited portion, the remainder of *Loganathan*, or any of the other references to disclose, teach, or suggest that these conversion processes result in "secured" mobile application part messages. Accordingly, the cited references, either alone or in combination, fail to disclose, teach, or suggest each and every claim limitation of the rejected claims.

In response, the Examiner merely relies on the broad statements, without citation to specific evidentiary support, that "it is well known to one of ordinary skill in the art" that "GSM is a truly secured protocol standard." See, e.g., *Advisory Action*, pg. 2. Initially, Appellant respectfully points out that "[i]t is never appropriate to rely solely on 'common knowledge' in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based." *M.P.E.P.* ch. 2144.03(a) (citations omitted). Nevertheless, without conceding the accuracy of the Examiner's position, Appellant respectfully submits that the Examiner has still not satisfied the burden of showing *how* the relevant limitations are disclosed, taught, or suggested by *Loganathan*. Specifically, even if GSM is a "secured" protocol, the references completely fail to teach, and the Examiner fails to explain anything about security of the TIA-41 protocol. Therefore, even under the Examiner's proposed interpretation, there is

no teaching, disclosure, or suggestion as to how *Loganathan's* conversion from TIA-41 MAP protocol to GSM MAP protocol obviates "convert[ing] the received mobile application part message obtaining a secured mobile application part message," as required by the independent claims.

Therefore, Applicant respectfully contends that the requirements of a *prima facie* case of obviousness have not been satisfied. The mere conclusory statement that GSM is a secured protocol fails to clearly show how the claimed limitations are disclosed or suggested by the conversion processes of *Loganathan*. For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claims 1 and 6, as well as their respective dependent claims.

- b. The cited references fail to disclose, teach, or suggest "to receive a secured mobile application part message from the second domain, to extract an unsecured mobile application part message from the received secured mobile application part message."

Furthermore, independent Claim 1 recites, in part, a gateway node "further being configured to receive a secured mobile application part message from the second domain, to extract an unsecured mobile application part message from the received secured mobile application part message." Independent Claim 6 recites a substantially similar limitation. Appellant respectfully contends that the proposed 3GPP-*Loganathan* combination fails to disclose, teach, or suggest this limitation.

In rejecting these claims, the Examiner continues to rely on *Loganathan* disclosing this limitation. Specifically, as shown above, the Examiner relies on a translator in *Loganathan* that can convert messages from TIA-41 MAP protocol to GSM MAP protocol, and vice versa. *Office Action*, pgs. 4-5 (citing *Loganathan*, col. 4, ll. 49-57 and col. 1, ll. 39-50). Appellant respectfully disagrees, as there is nothing in *Loganathan*, or any of the other references to disclose, teach, or suggest that these conversion processes result in "unsecured" mobile application part messages.

As shown above, the Examiner's rejection hinges on the broad statements that "it is well known to one of ordinary skill in the art" that "GSM is a truly secured protocol standard." See, e.g., *Advisory Action*, pg. 2. Again, without conceding the accuracy of

this statement, Appellant respectfully submits that the Examiner has still not satisfied the burden of showing *how* the relevant limitations are disclosed, taught, or suggested by *Loganathan*. Specifically, even if GSM is a "secured" protocol, the references completely fail to teach, and the Examiner fails to explain how the TIA-41 protocol is allegedly unsecured. Therefore, even under the Examiner's proposed interpretation, there is no teaching, disclosure, or suggestion as to how *Loganathan*'s conversion from GSM MAP protocol to TIA-41 MAP protocol obviates "extract[ing] an unsecured mobile application part message from the received secured mobile application part message," as required by the independent claims.

Therefore, Applicant respectfully contends that the requirements of a *prima facie* case of obviousness have not been satisfied. The mere conclusory statement that GSM is a secured protocol fails to clearly show how the claimed limitations are disclosed or suggested by the conversion processes of *Loganathan*. For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claims 1 and 6, as well as their respective dependent claims.

CONCLUSION

The claims currently pending in the application are patentable over the cited references, and the Appellant requests that the Examiner's rejection thereof be reversed and the application be allowed.

Respectfully submitted,
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Date: June 20, 2011

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CLAIMS APPENDIX

1. (Previously Presented) A telecommunication network system having at least a gateway node, with a first domain comprising:
a mobile application part protocol instance connected to the gateway node configured to send and receive mobile application part messages in accordance with the 3rd Generation Partnership Project (3GPP) Technical Specification (TS) 33.200, the gateway node being connected to a second domain, wherein the gateway node is configured to receive a mobile application part message from the first domain, to convert the received mobile application part message obtaining a secured mobile application part message, and to send the obtained message to the second domain, the gateway node further being configured to receive a secured mobile application part message from the second domain, to extract an unsecured mobile application part message from the received secured mobile application part message and to send the extracted message to the first domain.
2. (Previously Presented) The telecommunication network according to claim 1, wherein the gateway node is connected to a third domain and wherein the gateway node performs a selective discarding of mobile application part messages received from the first domain and destined for the third domain and a selective discarding of mobile application part messages received from the third and destined for the first domain.
3. (Previously Presented) The telecommunication network according to claim 1, wherein the gateway node performs as a firewall to the third domain.

4. (Previously Presented) The telecommunication network according to claim 1 wherein the gateway node is connected to different domains, and levels of security are configurable for the different domains.

5. (Previously Presented) The telecommunication network according to claim 1 wherein for a particular domain a fallback to a lower level of security than the configured level of security for the particular domain is allowable and allowing the fallback to the lower level of security is configurable for one domain independently from a configuring of an allowing of a respective fallback to a lower level of security level for another domain.

6. (Previously Presented) A gateway node comprising an interface to a first domain of a telecommunication network for sending and receiving mobile application part messages in accordance with the 3rd Generation Partnership Project (3GPP) Technical Specification (TS) 33.200, comprising:

an interface to a second domain of the telecommunication network for sending and receiving secured mobile application part messages wherein the gateway node further comprises a conversion unit that is adapted to receive a mobile application part message via the interface to the first domain, to convert the received mobile application part message obtaining a secured mobile application part message, and to send the obtained message via the interface towards the second domain, the conversion unit further being configured to receive a secured mobile application part message via the interface to the second domain, to extract an unsecured mobile application part message from the received secured mobile application part message and to send the extracted message via the interface towards the first domain.

7. (Previously Presented) The gateway node according to claim 6, comprising an interface to a third domain for sending and receiving mobile application part messages and a filtering unit adapted to perform a selective discarding of mobile application part messages.

8. (Previously Presented) The gateway node according to claim 6, wherein the gateway node performs as a firewall to the third domain.

9. (Previously Presented) The gateway node according to claim 6, wherein the gateway node is connected to different domains, and the gateway node comprises a security database for storing indications of levels of security for the different domains.

10. (Previously Presented) The gateway node according to claim 6, further comprising

a fallback store for storing for a particular domain and an indication that a fallback to a lower level of security than the configured level of security for the particular domain is allowable, wherein allowing of the fallback to the lower level of security is configurable for one domain independently from an allowing of a respective fallback to a lower level of security for another domain.

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EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.